

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

MICHAEL D. ROSE,  
and EDWARD L. HARMON,  
*on their own behalf and on behalf  
of all others similarly situated, et al.*

Plaintiffs,

v.

CIVIL ACTION NO. 5:22-cv-00405

MICHAEL FRANCIS,  
*individually and as an employee of  
the West Virginia Division of Corrections  
and Rehabilitation,*  
THE RALEIGH COUNTY COMMISSION,  
John/Jane Doe Employees of the Raleigh  
County Commission,  
THE FAYETTE COUNTY COMMISSION,  
John/Jane Doe Employees of the Fayette  
County Commission,  
THE GREENBRIER COUNTY COMMISSION,  
John/Jane Doe Employees of the Greenbrier  
County Commission,  
THE MERCER COUNTY COMMISSION,  
John/Jane Doe Employees of the Mercer  
County Commission,  
THE MONROE COUNTY COMMISSION,  
John/Jane Doe Employees of the Monroe  
County Commission,  
THE SUMMERS COUNTY COMMISSION,  
John/Jane Doe Employees of the Summers  
County Commission,  
THE WYOMING COUNTY COMMISSION,  
John/Jane Doe Employees of the Wyoming  
County Commission,  
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,  
John/Jane Doe PrimeCare Employees,  
JOHN/JANE DOE CORRECTIONAL OFFICERS,  
BETSY JIVIDEN, *individually as an employee of the  
West Virginia Division of Corrections and Rehabilitation,*  
WEXFORD HEALTH SOURCES, INC.  
John/Jane Doe Wexford Employees,

BRAD DOUGLAS, *individually and in his official capacity as the acting Commissioner of the West Virginia Division of Corrections and Rehabilitation*,  
JEFF S. SANDY, *individually and in his official capacity as the Cabinet Secretary of the West Virginia Division Department of Homeland Security*, and  
WILLIAM K. MARSHALL, III  
*individually and in his official capacity as the Commissioner of the West Virginia Division of Corrections and Rehabilitation*,

Defendants.

### **ORDER**

Pending is Plaintiffs and Defendants Brad Douglas, Betsy Jividen, William K. Marshall III, Jeff S. Sandy, and Michael Francis’s (hereinafter “the Settling Defendants”) Joint Motion for Clarification of Order or Alternative Relief [Doc. 837], filed November 28, 2023. In the Court’s November 15, 2023, Order [Doc. 821] directing the parties to submit a proposed schedule for case events relative to the pending settlement respecting the Settling Defendants, the Court directed that “to the extent approval [of the forthcoming settlement] is withheld, new deadlines will be set for motion practice and objection periods as necessary.” [*Id.* at 3]. The moving parties now seek clarification of whether the Court’s use of the plural “objection periods” in the Order includes a new period for objections to the Honorable Omar J. Aboulhosn’s Order and Proposed Findings and Recommendation [Doc. 774], entered October 30, 2023.

Accordingly, the Court confirms that new deadlines for filing objections to Magistrate Judge Aboulhosn’s Order and Proposed Findings and Recommendation [Doc. 774] will be set should the Court withhold approval of the forthcoming settlement.

The Clerk is **DIRECTED** to transmit a copy of this written opinion and order to all counsel of record and to any unrepresented party.

ENTER: December 11, 2023



*Frank W. Volk*

Frank W. Volk  
United States District Judge